



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO**

**Proposed Changes to
Local Rules**

Publication Date: August 28, 2015

Deadline for Comment: October 12, 2015 – 4:00 p.m.

Effective Date: January 1, 2016

LIST OF CHANGES FOR JANUARY 1, 2016 RULES

Summary of Changes

Traffic Rules

Former Rule 18.2 – Repealed

Photographing or Recording Court Proceedings

Rule 26.3 – Language added.

CHAPTER 18 – TRAFFIC RULES

18.1 Traffic Filings

The Clerk's Office, Traffic Division, is responsible for all traffic and non-traffic infractions.

(Adopted effective 1/1/99)

Former Rule 18.2 Pretrial Appearances (Repealed)

(Rule 18.2 repealed effective 1/1/10; amended effective 7/1/08; adopted effective 1/1/99)

Former Rule 18.2 Counter Arraignments (Repealed)

(Rule 18.2 repealed effective 1/1/16; renumbered effective 1/1/10; adopted as rule 18.3; amended effective 7/1/08; adopted effective 1/1/99)

~~Unless the courtesy notice states that an arraignment in court is required, the defendant may complete an arraignment form at the traffic counter prior to the appearance date and schedule a trial date with the clerk. Prior to the appearance date, the defendant may post bail and declare his/her intention to plead not guilty. The clerk shall then set the matter for trial. (Rule 18.2 renumbered effective 1/1/10; adopted as rule 18.3; amended effective 7/1/08; adopted effective 1/1/99)~~

Former Rule 18.3 Counter Arraignments (Renumbered)

(Rule 18.3 repealed effective 1/1/10; amended effective 7/1/08; adopted effective 1/1/99)

18.3 Continuance Policy

On or before the due date, the clerk may grant a continuance of not more than ninety (90) calendar days.

After a case has been continued up to the ninety (90) days, any request for a continuance must be made to a judicial officer.

(Amended 1/1/12; amended effective 1/1/11; rule 18.3 renumbered effective 1/1/10; adopted as Rule 18.4; amended effective 1/1/09; amended effective 7/1/08; adopted effective 1/1/99)

Former Rule 18.4 Continuance Policy (Renumbered)

18.4 Traffic School

The court may accept attendance at a certified traffic school as grounds for a masked conviction from their public driving record.

In addition to the eligibility criteria established pursuant to California Rules of Court, rule 4.104, traffic school may be authorized by the clerk without further referral to a judicial officer if the defendant has not attended traffic school within the last eighteen (18) months and the speed is violation of 25 miles or less over the posted speed limit.

Mendocino Superior Court

An administrative fee shall be collected as a prerequisite to attendance or authorization of traffic school.

(Amended effective 1/1/12; rule 18.4 renumbered effective 1/1/10; previously rule 18.7; rule 4.104 amended and renumbered effective 1/1/07; adopted as rule 851; adopted effective 1/1/99)

18.5 Trial Procedures (Repealed)

(Rule 18.5 repealed effective 1/1/10; adopted effective 1/1/99)

18.6 Appeals (Repealed)

(Rule 18.6 repealed effective 1/1/10; rules 8.780-8.791 amended and renumbered effective 1/1/07; adopted as rules 180-189; amended effective 7/1/04; adopted effective 1/1/99)

18.7 Traffic School (Renumbered)

18.8 Trial by Declaration (Repealed)

(Rule 18.8 repealed effective 1/1/10; amended effective 7/1/04; adopted effective 1/1/99)

18.9 Trial by Declaration

The Court adopts the trial by declaration process defined in Vehicle Code § 40902. Additionally, pursuant to Vehicle Code § 40903, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the code. In eligible cases the Court will conduct the trial in absentia and it will be adjudicated on the basis of the notice to appear issued pursuant to Vehicle Code § 40500 and any business record or receipt, sworn declaration of the arresting officer, or written statement or letter signed by the defendant that is in the file at the time the trial by declaration is conducted.

If there is a guilty finding, the conviction shall be reported to the DMV and the defendant notified of the disposition of the case, the amount of imposed fines, and fees, and the defendant's right to request a trial de novo within a specified period of time. If there is no timely request for a trial de novo and the fines and fees are not paid by the due date, the case will proceed to civil assessment pursuant to Penal Code § 1214.1. Additionally, the DMV will be notified of the failure to pay pursuant to Vehicle Code § 40509.5(b), which can result in a suspension of the defendant's driver's license pursuant to Vehicle Code § 13365(a)(2) until all obligations to the Court are satisfied.

(Adopted effective 7/1/12)

**CHAPTER 26 - PHOTOGRAPHING OR RECORDING
COURT PROCEEDINGS**

Photographing, videotaping, televising, or otherwise recording any court proceeding is prohibited unless a written request has been filed and approved prior to the commencement of the proceeding.

(Adopted effective 7/1/04.)

26.1 Photographing and Media Coverage

The media may request an order permitting photographing and media coverage using only the approved Judicial Council of California form MC-500, Media Request to Photograph, Record, or Broadcast, and form MC-510, Order on Media Request to Permit Coverage. Blank forms are available in the clerk's office. The judge shall retain sole discretion for the approval or denial of any such request.

The forms shall be filed with the Clerk's Office in the division of the Court where the request is directed at least five (5) court days before the portion of the proceeding to be covered unless good cause is shown. A completed, proposed order on the approved form shall be filed with the request. The Clerk's Office will immediately deliver the request to the assigned judge who will rule on the request. If no judge has been assigned, the request will be submitted to the judge supervising the calendar department, and thereafter be ruled upon by the judge assigned to the proceeding. The clerk shall promptly notify the parties that a request has been filed. California Rule of Court 1.150, et seq.

Each media agency shall be responsible for ensuring that all its media personnel who cover the court proceeding know and follow the provisions of the court order and California Rule of Court, Rule 1.150, et seq.

If the request is approved, the judge may specify the placement of media personnel and equipment to permit reasonable photographing or media coverage without disruption of the proceedings. Unless the judge in his or her discretion and for good cause orders otherwise, the following rules shall apply: Rule 1.150, et seq.

1. One still photographer shall be permitted.
2. The equipment shall not produce distracting sound or light. Signal lights or devices to show when equipment is operating shall not be visible.
3. Equipment shall be operated by one person.
4. Operators shall not move equipment or enter or leave the courtroom while the court is in session, or otherwise cause a distraction.
5. Equipment or clothing of media personnel shall not bear the insignia or marking of a media agency.

Mendocino Superior Court

(Amended effective 1/1/15; amended effective 7/1/08; adopted effective 7/1/04; rule 1.150 amended and renumbered effective 1/1/07; adopted as rule 980 et seq.)

26.2 Filming Jurors

Photographing and filming any juror or summoned prospective juror is prohibited.
(Adopted effective 7/1/04.)

26.3 Photographing and Media Coverage In Other Areas Of Courthouse

Unless approved by written order of the Presiding Judge, filming, videotaping, photographing and electronic recording of any kind is not permitted in any other part of the courthouse, including but not limited to, entrances, exits, halls, stairways, and elevators. Application for permission for photographing or media coverage in these areas of the courthouse shall be directed to the Presiding Judge on the form provided for by these rules.

Cameras and recording devices shall be turned off while being transported in any area of the court unless expressly permitted by court order. Filming, videotaping and photographing of the interior of any courtroom through the glass door windows or through the double doors, or otherwise is prohibited. No microphones or cameras shall be permitted in any courtroom unless the judge hearing a matter within the courtroom has expressly authorized such use in a written order pursuant to California Rule of Court 1.150 and the local rules of this court.

An exception to this rule is that photographs or videos may be taken if related to adoption proceedings, swearing-in ceremonies, weddings or other ceremonial events upon the oral approval of the judge involved.

(Amended effective 1/1/16; ~~a~~Amended effective 1/1/15; Rule 1.150 amended and renumbered effective 1/1/07; adopted as rule 980 et seq.; adopted effective 7/1/04.)

26.4 Violations

Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law. Rule 1.150, et seq.
(Rule 1.150 amended and renumbered effective 1/1/07; adopted as rule 980, et seq.) adopted effective 7/1/04.)